

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEW MEXICO**

CHERYL KLAVER,

Plaintiff,

v.

No. 1:23-cv-815 JHR/KRS

VIAJES Y YATES, LLC.

Defendant.

**ORDER QUASHING ORDER TO SHOW CAUSE**

**THIS MATTER** comes before the Court on Plaintiff's Response to Order to Show Cause, filed January 31, 2024. (Doc. 8). The Court ordered Plaintiff to show cause why this case should not be dismissed for failure to prosecute. (Doc. 7). Plaintiff states she has served Defendant and followed up with Defendant by letter, but Defendant has not filed an answer. (Doc. 8, Exhibits A-C). Plaintiff states she "is attempting to avoid taking a default judgment against Defendant out of concern that a default could result in a forfeiture of any insurance coverage held by Defendant." *Id.* at 1. Plaintiff asks for ninety (90) days to either obtain Defendant's answer or move for default. *Id.* at 2. Based on Plaintiff's Response to the Order to Show Cause, the Court QUASHES the Order to Show Cause. Plaintiff has ninety (90) days from the date of this Order to either obtain Defendant's answer or take steps to move this case forward.



KEVIN R. SWEAZEA  
UNITED STATES MAGISTRATE JUDGE